

(2)

Central Administrative Tribunal, Principal Bench

Contempt Petition No.274 of 2003 in
Original Application No.1652 of 1994

New Delhi, this the 6th day of August, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member (A)

1. Bhim Singh
S/o Shri Prahlad Singh
Aged about 52 years
Resident of: Qr. No. 30
Police Station, Vasant Vihar,
New Delhi-67

2. Anand Swaroop
S/o Shri
Aged about 47 years
Resident of: Qr. No. 4-J,
Police Colony, Model Town-II
Delhi

.... Petitioners

(By Advocate: Shri B.B. Raval)

Versus

1. Shri Kamal Pandey,
Secretary
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi-1

2. Smt. Shailaja Chandra
Chief Secretary,
Government of National Capital
Territory of Delhi,
Old Secretariat,
Delhi

3. Shri R.S. Gupta,
Commissioner of Police
Delhi Police
Police Headquarters,
Near I.T.O.
New Delhi-2

.... Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicants alongwith others had filed O.A.No.1652/94. This Tribunal on 20.5.99 had noted the manner in which promotions were being made. It came up under criticism. Ultimately the same was disposed of with

lsdg

(3)

the following directions:

"In the background of the detailed discussions hereinabove, we are satisfied that it is a fit case where the cases of the applicants be remanded to the respondents for reconsideration of the applicants' claims for inclusion in the promotion list F/E with effect from 12.8.94 in accordance with the rules and instructions. In case after such reconsideration, respondents find any or all the applicants (excluding No.5 and 7) fit for being brought on promotional list F/E with effect from 12.8.94 and consequential promotion, they will be entitled to all consequential benefits. These directions shall be implemented within a period of three months from the date of receipt of a certified copy of this order."

2. The Union of India had challenged the said decision by filing Civil Writ No.6279/99. The Delhi High Court on 18.12.2001 dismissed the said writ petition.

3. The applicants claim that there is wilful disobedience of the directions of this Tribunal and, therefore, the proceedings punishable under Section 10 read with Section 12 of the Contempt of Courts Act should be initiated.

4. At this stage, it would be relevant to mention that on 10.5.2002, the respondents had passed an order whereby out of seven original applicants, five have been promoted but not the two applicants before us in the present contempt petition.

5. Learned counsel for the petitioners has taken pains and read to us various paragraphs of the application that was originally filed i.e. O.A.1652/94 to contend that

MS Ag

(A)

specific comments have been made with respect to the applicants and the manner in which they were dealt with. Therefore, the learned counsel contends that the present order so passed is a disobedience to the directions of this Tribunal.

6. We are not dwelling into some of the pleas for the reason that it may be embarrassing for either side.

7. Presently we are confining ourselves as to if there is a wilful disobedience of the directions of this Tribunal. This Tribunal after making observations regarding which we have made a reference, mentioned that the matter has to be considered in accordance with the rules and instructions. It is in pursuance thereto that the impugned order referred to above has been passed ignoring the applicants for promotion.

8. In the peculiar facts, it cannot be termed that there is wilful disobedience to the directions of this Tribunal. The applicants, however, would be at liberty to challenge the impugned order on its merit in a fresh application and thereupon the same can be considered. With these directions, the contempt petition must fail and is dismissed.

S.K. Naik
(S.K. Naik)
Member (A),

/dkm/

V.S. Aggarwal
(V.S. Aggarwal)
Chairman.